

Village of Irvington  
Zoning Board of Appeals

Minutes of Meeting held July 27, 2004

A meeting of the Zoning Board of Appeals of the Village of Irvington was held at 8:00 P.M., Tuesday, July 27, 2004, in the Trustees' Meeting Room, Town Hall, Irvington, N.Y.

The following members of the Board were present:

Louis C. Lustenberger, Chairman  
Robert Bronnes  
Bruce E. Clark  
Arthur J. Semetis  
Robert C. Myers  
Christopher Mitchell

Mr. Lustenberger acted as Chairman and Mr. Mitchell as Secretary of the meeting.

Minutes for the Board's meeting of May 18, 2004 were approved.

There were eight new matters and 1 continuation on the agenda.

New matters

2004-15     Etil and Leonard Capuano - 15 Woodbine Road  
              (Sheet 7A; Block 237; Lots 5A, 6 & 7)  
              Seeking a variance from section 224-89 (existing  
              non-conforming use) of the Village Code in order  
              to permit the construction of a residential  
              addition to an existing structure.

- 2004-16 Margaret and Randy Paul - 1 Langdon Avenue (Sheet 15; Lot P119E)  
Seeking variances from sections 224-89 (existing non-conforming use), 224-11 (rear yard setback), and 224-51 (Broadway buffer) of the Village Code in order to permit the construction of a deck.
- 2004-17 Lisa Trencher - 6 Riverview Terrace (Sheet 10D; Block 240; Lot 6)  
Seeking variances from sections 224-3 (definitions) and 224-13 (coverage) of the Village Code in order to permit the construction of grass terraces with retaining walls and to add a deck.
- 2004-18 Rita and Peter Blum - 1 El Retiro Lane (Sheet 7; Lot P81)  
Seeking a variance from section 224-13 (coverage) of the Village Code in order to permit the construction of a porch and mud room.
- 2004-19 Richard Wager - 63 Ardsley Avenue West (Sheet 7; Lot P43A2A)  
Seeking variances from sections 224-11 (rear yard setback), 224-13 (coverage), and 224-14 (parking in front yard setback) of the Village Code in order to permit the construction of additions and renovations to an existing residential structure.
- 2004-20 Susan Robinson - 9 Fargo Lane (Sheet 1; Block 246A; Lot 7)  
Seeking variances from sections 224-11 (setback) and 224-89A(1) (existing non-conforming) of the Village Code in order to permit the construction of a one-story residential addition.
- 2004-21 Isabel and Eric Kaston - 61 Havemeyer Road (Sheet 12A; Block 255; Lot 7)  
Seeking variances from sections 224-11 (setback), 224-13 (coverage) and 224-89 (existing non-conforming) of the Village Code in order to permit the installation of a bay window and the construction of a residential addition.
- 2004-22 Barbara Hogan - 28-B East Clinton Avenue (Sheet 14; Block 224; Lot 22)  
Seeking variances from sections 224-11 (setback)

and 224-89 (existing non-conforming) of the Village Code in order to legalize previous improvements to the porch completed without a building permit.

#### Continuation

2004-13 Patrick and Annette Natarelli - 29 Maple Street (Sheet 7A; Block 232; Lot 13)  
Seeking variances from sections 224-13 (coverage) and 224-136 (floor area ratio) of the Village Code in order to permit the construction of a residential addition.

The new matters were considered first.

#### Capuano

The chair observed that this matter was before the Board solely because the lot involved is non-conforming; the Building Inspector did not cite any other issue. The applicants explained that the project is a partial build-out of an existing second story. Mr. Myers asserted that cases such as this may not be a good use of the Board's time, and the chair stated that he would consult with the Building Inspector and with the Village Trustees about that concern. The chair offered a motion to approve the application, which was passed by a vote of 5-0.

#### Paul

The chair described the issues - intrusion into the rear yard, and into the 50-foot Broadway buffer - raised by this application, which would also involve construction on

a non-conforming lot. The applicants presented photographs of the property in its current state, showing extensive plantings that screen the lot's rear yard from passers-by on Broadway. The chair stated that the planned intrusions are not small, but that they would in his view have little impact, given the screening and the location. He emphasized that maintenance of plantings to screen the view would be a condition of any variance granted. He then offered a resolution to approve the application, which was passed by a vote of 5-0.

Trencher

The applicant stated that the new excess coverage proposed would be approximately 11% over existing coverage, and that the total resulting overage would be about 20% over the allowable coverage. In colloquies with Board members, she discussed her desire for terracing to provide a more usable rear yard, and the potential value of new plantings in order to screen the proposed retaining wall.

Mr. Robert Tardio, a neighbor residing at 27 Cedarlawn Road behind (and downhill from) the proponent's property, spoke in support of the application. He considered that the project would help control water run-off from Ms. Trencher's lot, which has at times threatened to wash away new plantings on his own property. The chair moved that

the application be granted, on condition that plants be installed to screen the retaining wall from the downhill side, and that the contemplated drainage measures be constructed as shown on the plans. This motion was carried by a vote of 5-0.

Blum

This application raises an issue of coverage, asking for a degree of coverage approximately 10% over the otherwise allowable level. The applicants stated that their plan would return the residence involved to its state before 1910, showing vintage photographs of the house at that time. The chair observed that the planned architectural change seemed to represent an improvement, and that in his view the project would not exceed the Village Code greatly. He offered a motion to approve the application, which carried by a vote of 5-0.

Wager

Mr. William Figdor, architect, appeared on behalf of the applicant, and presented a model of the planned changes to the structure. Discussion centered on which segment of the lot ought to be considered the rear yard, the extent of the requested coverage expansion, and the nature of the parking plan. Mr. Myers and other Board members expressed the view that this property was sui generis, with the

residence in question constituting half of the former Ardsley Country Club, on a lot of unusual shape. The chair discussed varied ways to approach the requests, noting that in his view the proposed coverage change is not extensive, and that it is difficult to determine which yard is at the rear. Mr. Mitchell expressed concern about the parking plan, which would place vehicles close to Ardsley Avenue in front of the residence. The chair presented a motion to approve the variances relating to rear yard setback, and to coverage, but not approving a variance for parking in the front yard setback; this was passed by a vote of 5-0.

#### Robinson

The applicant appeared, and explained her plan to add a room which would fill in a "notch" at the corner of her home. In discussion, it appeared that the impact on setback would be very limited. A motion to approve the requested variances was approved 5-0, with the chair not voting since he lives near the site and is acquainted with the applicant.

#### Kaston

The applicants and their architect described the project as the addition of an office by the addition of shed dormers in the house's attic, plus the addition of a bay window and a small ground-floor addition. The chair

presented a motion to approve the application, on condition that a new air-conditioning condenser, part of the project, be screened from view. The applicants assented to this condition. The motion was carried by a vote of 5-0.

Hogan

Mr. Earl Ferguson, architect, appeared along with the applicant. Drawings were presented showing a porch, built twenty years ago without a building permit, that extends the house's footprint by approximately one foot towards the adjoining street, leaving a setback of 4.5 feet. For any potential future modifications to be made to the house, the porch would need to be legalized or removed. Following discussion, the chair offered a motion to approve the requested variances, which was passed by a vote of 5-0.

The continuation was then considered:

Natarelli

Mr. Patrick Natarelli appeared to present his request, with accompanying drawings and photographs. Discussion focused on the percentage by which coverage and floor area ratio would exceed those set by the Village Code: approximately 11% in the case of coverage, and approximately 20% in that of floor area ratio. Board members noted that no benchmark had yet been established by the Board as a guideline for "more acceptable" or "less

acceptable" variances from required floor area ratios. The chair moved that the requested variance be approved, noting that most neighboring houses on the eastern side of Maple Street had already been expanded in the general manner requested by the Natarellis. The motion was approved by a vote of 5-0.

There being no further business to come before the meeting, it was, upon motion duly made and seconded, unanimously adjourned.

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Christopher Mitchell